

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

JAMES GEARY KING,

Plaintiff,

vs.

GOVERNOR FOR THE STATE OF  
WASHINGTON, SECRETARY OF  
DEPARTMENT OF CORRECTIONS,  
and CHARLES DORENDORF,

Defendants.

NO. CV-08-3083-CI

ORDER ADOPTING REPORT AND  
RECOMMENDATION AND DISMISSING  
ACTION

**1915(g)**

Magistrate Judge Imbrogno filed a Report and Recommendation on April 8, 2009, recommending this action be dismissed without prejudice for failure to state a claim upon which relief may be granted. There being no objections, the court **ADOPTS** the Report and Recommendation. The action is **DISMISSED WITHOUT PREJUDICE** under 28 U.S.C. §§ 1915(e)(2) and 1915A(b)(1).

Pursuant to 28 U.S.C. § 1915(g), enacted April 26, 1996, a prisoner who brings three or more civil actions or appeals which are dismissed as frivolous or for failure to state a claim will be precluded from bringing any other civil action or appeal *in forma pauperis* "unless the prisoner is under imminent danger of serious physical injury." 28 U.S.C. § 1915(g). **Plaintiff is advised to read**

1 the new statutory provisions under 28 U.S.C. § 1915. This dismissal  
2 of Plaintiff's complaint may count as one of the three dismissals  
3 allowed by 28 U.S.C. § 1915(g) and may adversely affect his ability to  
4 file future claims.

5 IT IS SO ORDERED. The District Court Executive is directed to  
6 enter this Order, forward a copy to Plaintiff at his last known  
7 address, enter judgment, and close the file. The District Court  
8 Executive is further directed to forward a copy of this Order to the  
9 Office of the Attorney General of Washington, Criminal Justice  
10 Division.

11 DATED this 30<sup>th</sup> day of April 2009.

12  
13 s/Robert H. Whaley  
14 ROBERT H. WHALEY  
15 CHIEF UNITED STATES DISTRICT JUDGE

16 Q:\CIVIL\2008\King\8cv3083ci-4-29-dis1915g.wpd  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27